

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

| | | |
|--|---|------------------------------------|
| Donaji Cruz Lopez, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 3:18-cv-03459-JMC |
| |) | |
| v. |) | MOTION TO SET ASIDE |
| |) | DEFAULT JUDGMENT |
| Pennsylvania Tool Sales & Service, Inc., |) | |
| |) | |
| Defendant. |) | |

TO: PLAINTIFF, DONAJI CRUZ LOPEZ, AND HER ATTORNEY, ROBERT F. GOINGS

YOU WILL PLEASE TAKE NOTICE that Defendant, Pennsylvania Tool Sales & Service, Inc. (“Pennsylvania Tool”), pursuant to Rule 60(b)(1) and (6) of the Federal Rules of Civil Procedure, will move the Court for an Order setting aside the default judgment entered in the above-captioned case on September 6, 2019. This motion is supported by the accompanying memorandum of law and the Affidavits to be submitted. These supporting documents show that the default judgment should be set aside because there was inadvertence, mistake, excusable neglect and/or extraordinary circumstances which justify setting the default judgment aside.

Pursuant to Local Rule 7.02, counsel for Pennsylvania Tool has conferred with Plaintiff’s counsel and attempted in good faith to resolve this matter.

WHEREFORE, Defendant, Pennsylvania Tool, hereby requests this Court to enter an order setting aside the default judgment, and for any further relief that this Court deems just and proper.

Signature on following page

Respectfully submitted,

GALLIVAN, WHITE & BOYD, P.A.

/s/ Ronald G. Tate, Jr.

Ronald G. Tate, Jr. (Fed Id.#4021)

T. David Rheney (Fed Id.#5030)

Post Office Box 10589 (29603)

55 Beattie Place, Suite 1200

Greenville, SC 29601

Telephone: (864) 271-9580

Facsimile: (864) 271-7502

Email: rtate@gwblawfirm.com

drheney@gwblawfirm.com

October 30, 2019

***Attorneys for Pennsylvania Tool
Sales & Service, Inc.***